

the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 2980, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks on H.R. 2980 and H.R. 2137.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2974, CRIMES AGAINST CHILDREN AND ELDERLY PERSONS INCREASED PUNISHMENT ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 421 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 421

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2974) to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 7 of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the amendment printed in the report of the Committee on Rules accompanying this resolution for failure to comply with clause 7 of rule XVI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole

to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, House Resolution 421 is an open rule providing for the consideration of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act. The rule waives clause 7 of rule XIII (which requires a cost estimate in the committee report), against consideration of the bill. Because the Congressional Budget Office [CBO] has been extremely busy concentrating on the fiscal year 1997 budget resolution, the Judiciary Committee has provided a rough estimate of cost based on U.S. Sentencing Commission figures for increased prison construction and operating costs, but not a detailed CBO estimate. The committee does state in its report that it estimates H.R. 2874 will have no significant inflationary impact on prices and costs in the national economy, and I believe it has, without a doubt, satisfied the spirit of the cost estimate requirement.

In addition, the rule makes in order as an original bill, for the purposes of amendment under the 5-minute rule, the amendment in the nature of a substitute recommended by the Judiciary Committee, now printed in the bill. Also, the rule provides that Members who have preprinted their amendments in the RECORD prior to their consideration will be given priority in recognition to offer their amendments.

Further, the rule waives points of order against the amendment printed in the report of the Committee on Rules for failure to comply with clause 7 of rule XVI, which relates to germaneness. This amendment, requested by my colleague from Texas, Mr. FROST, adds increased penalties for Federal sex offenses against children, and needs a waiver because it creates a new crime with sentencing provisions, whereas H.R. 2974 focuses on creating new levels of sentencing for existing crimes. I am informed that Mr. MCCOLLUM, the chairman of the Crime Subcommittee of Judiciary, supports Mr. FROST's amendment and I have no objection to it.

Finally, the rule provides for one motion to recommit, with or without instructions.

The purpose of this legislation is to increase the time of imprisonment for

those who commit violent crimes against children under 12 years of age and seniors age 65 and older. In the Judiciary Committee, the age for children was increased to 14, and the definition of "vulnerable persons" was expanded to include any victim that "the defendant should have known was unusually vulnerable due to age, physical or mental condition, or otherwise particularly susceptible to the criminal conduct."

In other words, this legislation is designed to increase protection for the most vulnerable sectors of our society: the elderly, children, the handicapped (mentally and/or physically disabled), those who find it most difficult to defend themselves.

This legislation is needed because the U.S. Sentencing Commission failed to act as requested in the 1994 Crime Act directive "to ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime and to reflect the heinous nature of such an offense." This bill amends the Crime Act of 1994 to enhance sentences by increasing the length of sentences "not less than 5 levels above the offense level otherwise provided for by a crime of violence against such victims".

Federal law enforcement officials agree that tougher punishment for criminals who target these victims is warranted. Violent crimes against the elderly have increased substantially, and child homicide rates have nearly doubled in recent years. In 1992, tragically, close to 20 percent of all rape victims were under 12 years of age, children attacked by pedophiles.

I believe there is nothing more important than protecting our most vulnerable from harm. In Dade County, FL, 9-year-old Jimmy Ryce was abducted by a predator on September 11, 1995. Three months later, law enforcement officials found Jimmy's remains after he had been brutally sexually assaulted and murdered by his kidnaper.

In response to the delays that the Ryce family encountered in the search for Jimmy, I joined my colleagues from south Florida in pressing for legislation, named in honor of Jimmy Ryce, to improve Federal law enforcement efforts at finding endangered children.

Congressional involvement led to an executive directive by the President which now requires all Federal agencies to post photos of missing children in Federal buildings to expedite the search for missing children. A similar directive in Florida has alleviated comparable roadblocks by requiring the posting of missing children photos in State buildings and tollbooths.

In addition, we are moving forward with H.R. 3238, (which I encourage my colleagues to consider cosponsoring), Congressman DEUTSCH's bill to establish a national resource center and clearinghouse to carry out, through the Jimmy Ryce Law Enforcement Training Center for the recovery of